

REMARKS

A Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application was filed on December 10, 2003 and RCE fee of \$ 1720.00 was enclosed within the Request.

In response to the September 03, 2003 office action, Applicant respectfully disagrees with the examiner for concluding that the proposed amendment included issues of new matter. Applicant proposed to replace the "Relative NDF breakdown" with "Percent NDF remaining" in Tables 1 & 2 to clarify some misunderstanding the examiner had in previous communications. This change in terminology is fully consistent with Applicant's claimed invention and is supported in the current specification. Under the heading "Results and Discussion" on page 9, line 5-6, Applicant disclosed that "in Tables 1 and 2, results are shown as percentage NDF which were present in control samples and feed samples treated with enzyme products and combinations of enzyme products with lysophospholipid/phospholipids type (LPC/PC-type) of surfactants." Within this context, the effectiveness of the enzyme and/or surfactant treatments was measured by the amount of NDF remaining (on a % basis) after the specified treatments. The control sample absent of any additives thus was treated as having 100% of NDF remaining in the sample after the incubation. And the most effective combination in breaking down NDF was found to be ENZ-Xylanase / S4 plus protease, which gave the lowest amount of NDF remaining at 89.28%. It is therefore apparent that the two expressions are essentially serving the same purpose of indicating the effectiveness of the additives in NDF breakdown. Applicant respectfully request that the examiner withdraw the new matter objection.

The examiner further rejected the application on the basis that the probative value of the data is not commensurate in scope with the degree of protection sought by the claim. Specifically, the examiner pointed to the data in Table 2 as limiting the present invention to a specific xylanase in a specific application. Applicant respectfully traverse. As described on page 4 of the current specification, ENZ-Xylanase is a mixture of industrial enzymes consisting of 60,000 units/g xylanase, 3500 units/g beta-glucanase, 10,000 units/g cellulose, 600 units/g alpha-amylase, 2700 units/g protease, and 100 milli-units/g lipase. The enhancement of effectiveness of an exogenous enzyme is not directed toward a specific xylanase as the examiner


alleged, rather the enhancement is toward all the enzyme activities in ENZ-Xylanase. Additionally, Applicant have tested in various experiments other formulations of enzymes including ENZ-Maize, ENZ-Wheat, and ENZ-Barley, which are all mixtures of various enzymatic activities. Furthermore, the examiner alleged that Applicant failed to specify the amount of lysolecithin in Bolec MT. On the bottom of page 4 of current specification, Applicant provided that Bolec MT was determined to have approximately 33% lysophospholipids. Therefore the proportion of lysolecithin additive in the feed could easily be deduced by the % Bolec MT present in the animal feed. It is apparent that the probative value of the data provided is sufficient to support the protection sought by the claim. Applicant respectfully request that the examiner withdraw this ground of rejection.

Based on the foregoing, Applicant respectfully request that the examiner enter the proposed amendments with regard to Tables 1 & 2. Applicant further submit that its claims 1-7 are in condition for allowance at this time. Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitations in the present application which will be effective to define the patentable subject matter if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

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